DOCKET #: W2759

PROPOSED ZONING: HB-S (Multiple Uses)

EXISTING ZONING: RS-9

PETITIONER: Harold Hill for property owned by Southside Land Partners II, and Southside Land Company

SCALE: 1" represents 400'

STAFF: Reed

GMA: 3

ACRE(S): 1.17

MAP(S): 624834
April 20, 2005

Harold Hill for property owned by
Southside Land Partners II and
Southside Land Company
P. O. Box 311
Yadkinville, NC 27055

RE: ZONING MAP AMENDMENT W-2759

Dear Mr. Hill:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
John E. Beeson, 503 High Street, Winston-Salem, NC 27101
Gil Davis, P. O. Box 786, Clemmons, NC 27012
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Tom Keith, 3450 Fraternity Church Road, Winston-Salem, NC 27107
### ACTION REQUEST FORM

**DATE:** April 20, 2005  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Harold Hill for property owned by Southside Land Partners II and Southside Land Company

### SUMMARY OF INFORMATION:

Zoning map amendment of Harold Hill for property owned by Southside Land Partners II and Southside Land Company from RS-9 to HB-S(Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; and School, Vocational or Professional): property is located on the northwest corner of Clemmonsville Road and Orchard View Drive (Zoning Docket W-2759).

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** TIED VOTE  
**FOR:** KING, MULLICAN, NORWOOD  
**AGAINST:** CLARK, FOLAN, GLENN  
**SITE PLAN ACTION:** CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning map amendment of Harold Hill for property owned by Southside Land Partners II and Southside Land Company, Docket W-2759

AN ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM, N.C.

_________________________________

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to HB-S (Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; and School, Vocational or Professional) the zoning classification of the following described property:

Tax Block 3855, Tax Lots 13, 14, 15A, 15B, 16, 17, 18, 19B, 20B, and 21B

Section 2. This Ordinance is adopted after approval of the site plan entitled Harold Hill for property owned by Southside Land Partners II and Southside Land Company and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Harold Hill for property owned by Southside Land Partners II and Southside Land Company.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to
be known as Harold Hill for property owned by Southside Land Partners II and Southside Land Company. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Harold Hill for property owned by Southside Land Partners II and Southside Land Company, (Zoning Docket W-2759). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for HB-S (Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; and School, Vocational or Professional), approved by the Winston-Salem City Council the ______ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the HB-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. A storm water management study shall be submitted to and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from the Winston-Salem Department of Transportation. Developer may be required to dedicate right-of-way and make improvements to Clemmonsviewe Road and Orchard View Drive including sidewalks to the Winston-Salem Department Public Works Department standards.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall record a negative access easement along the frontage of Clemmonsviewe Road.
  b. As volunteered by the developer, building elevations shall be submitted showing the building will have a masonry combination facade, and a residential character with a residential style. Said elevations to be reviewed and approved by Planning staff.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install a sidewalk along the full frontage along Clemmonsview Road and Orchard View Drive to the specifications of the Public Works Department of the City of Winston-Salem.
  b. No on site lighting shall be taller than 15 feet and shall consist of cutoff type fixtures that prevent glare onto adjacent properties.

• OTHER REQUIREMENTS
  a. One six (6) foot high monument sign shall be allowed.
ZONING STAFF REPORT

DOCKET # W-2759
STAFF: David Reed

Petitioner(s): Harold Hill
Ownership: Southside Land Partners II and Southside Land Company

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: HB-S Highway Business District (Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; School, Vocational or Professional)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 1.17 acres

LOCATION:

Street: Northwest corner of Clemmonsville Road and Orchard View Drive.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Multiple business and office uses.
Square Footage: 14,960 square feet.
Building Height: Two stories.
Parking: Required: 50 spaces; Proposed: 51 spaces.
Bufferyard Requirements: A type III bufferyard is required adjacent to RS-9 and MH zoning.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is vacant.
Adjacent Uses:
    North - Single family homes.
    East - Single family homes.
    South - Parkway Baptist Church.
    West - South Park Shopping Center.
GENERAL AREA

Character/Maintenance: Well maintained single family, institutional, and business uses. Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

1. W-2696; RS-9 to RM-8-S (Child Day Care Center); approved June 7, 2004; southeast corner of Clemmons Road and Pleasant Fork Church Road; 0.97 acre; Planning Board and staff recommended approval.

2. W-2402; LO-S (Medical and Surgical Offices) to GO-S (Broadcast Studio; Professional Office; Offices Miscellaneous; and Medical and Surgical Offices); approved June 17, 2000; southwest corner of Clemmons Road and Hastings Avenue; Planning Board and staff recommended approval.

3. W-1875; R-5 to B-3-S (Stores or Shops, Retail); approved April 4, 1994; southeast corner of Clemmons Road and Peters Creek Parkway; 5.06 acres; Planning Board and staff recommended denial.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Most of the existing trees on site would be removed. Topography: Site slopes down slightly from the northeast to the southwest. Streams: A drainage ditch runs along the western property line. Vegetation/habitat: Site is partly covered with trees and brush. Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Clemmons Road
Street Classification: Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
15,000/17,700
Trip Generation/Existing Zoning: RS-9
1.17 acres (RS-9) x 43,560/9,000 = 5 units x 9.57 (SFR Trip Rate) = 48 Trips per Day
Trip Generation/Proposed Zoning: HB-S
14,960/1,000 x 11.09 (Office Trip Rate) = 166 Trips Per Day
Planned Road Improvements/Thoroughfare Plan: Clemmons Road is recommended to be widened to a three lane facility with bicycle and pedestrian accommodations.
Sight Distance: Good.
Interior Streets: Private.
Traffic Impact Study recommended: No.
Connectivity of street network: Plan does not propose internal connection to adjacent shopping center.
Sidewalks: Sidewalks recommended along Clemmonsville and Orchard View Drive.
Transit: WSTA Route 13 runs by the site.
Bicycle Route: N/A

CONFORMITY TO PLANS

GMP Area (*Legacy*): Area 3, Suburban Neighborhoods.
Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for existing neighborhoods to be protected from inappropriate commercial encroachment and promotes land use patterns and transit oriented design standards that support public transit, walking and bicycling and reduce the number and length of automobile trips. *Legacy* also recommends preparing a series of detailed area plans for all of Forsyth County.
Area Plan/Development Guide: The subject property is not located within the boundaries of an area plan or development guide.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Environmental Resources Beyond the Site: None known
Water Supply Watershed: Site is not within the boundaries of an area plan or development guide.

ANALYSIS

The subject request proposes the rezoning of 1.17 acres from RS9 to HB-S for multiple uses. The property is located at the northwest corner of Clemmonsville Road and Orchard View Drive. Orchard View Drive is the main entrance into a small neighborhood which is surrounded by nonresidential uses. The Southpark Shopping Center is immediately west of the subject site. The property is currently vacant and was formerly developed with a single family home.

There are two primary issues to be considered in the review of this request. First is the site location and surrounding land uses. The subject site is impacted by the shopping center to the west and the grocery store to the southwest. It is also impacted by the traffic volumes on Clemmonsville Road. It is not the most desirable location for single family housing. It is also, however, adjacent to a single family neighborhood which will be impacted if the site is developed for HB-S.

The other primary issues to be considered are the goals and recommendations of *Legacy*. *Legacy* promotes land use patterns and transit oriented design standards that support public transit, walking and bicycling and reduce the number and length of automobile trips. Highway strip commercial development is a component of suburban sprawl and the *Legacy* Citizen Focus Groups envisioned in their report “Forsyth County Tomorrow” a different future in which more compact patterns of development replace sprawl.
Highway strip commercial uses are by nature auto dependent. As we rezone individual residential properties along our thoroughfares, we slowly convert the road from a traffic moving facility to a commercial destination. People drive up and down the commercial strip because the land use pattern is not dense enough to accommodate walking. This commercial traffic, combined with the other traffic trying to use the roadway for travel, combine to increase congestion. The historical solution has been to try to increase capacity by widening the roads, however, the public cost of such improvements combined with the air quality challenges our community faces indicate a need to find new solutions.

Legacy proposes a Metro Activity Center (MAC) southwest of the subject site. As the MAC develops with more compact patterns of development, shopping, work and housing opportunities will coexist in close proximity to one another and the need for multiple automobile trips will diminish.

Our community can no longer afford to promote strip commercial development along our roadways. If the surrounding uses make single family development unfeasible for this site, perhaps RSQ or a lower density RM category which allows attached housing units may be more suitable. Higher housing densities near commercial services achieves some of the same goals as Metro and Neighborhood activity centers provided there is adequate pedestrian access to the commercial services.

Staff is of the opinion that this case presents a clear choice between a different future as described by the Legacy Citizen Focus Groups and the strip commercial development model. Each rezoning, regardless of its size, is a piece of the puzzle.

**FINDINGS**

1. The subject request proposes the rezoning of 1.17 acres from RS9 to HB-S.

2. The subject site is impacted by the shopping center to the west and the grocery store to the southwest.

3. Legacy promotes land use patterns that reduce the number and length of automobile trips and provides more compact patterns of development that replace sprawl and strip commercial uses.

4. As individual residential properties along our thoroughfares are rezoned commercial, the road is gradually converted from a traffic moving facility to a commercial destination.

6. RSQ or a lower density RM zoning category, which allows attached housing units, would be more suitable for the site.

**STAFF RECOMMENDATION**

Zoning: **DENIAL.**
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. A storm water management study shall be submitted to and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from the Winston-Salem Department of Transportation. Developer may be required to dedicate right-of-way and make improvements to Clemmonsville Road and Orchard View Drive including sidewalks to the Winston-Salem Department Public Works Department standards.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. Developer shall record a negative access easement along the frontage of Clemmonsville Road.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Developer shall install a sidewalk along the full frontage along Clemmonsville Road and Orchard View Drive to the specifications of the Public Works Department of the City of Winston-Salem.
  b. No on site lighting shall be taller than 15 feet and shall consist of cutoff type fixtures that prevent glare onto adjacent properties.

- **OTHER REQUIREMENTS**
  a. One six (6) foot high monument sign shall be allowed.

David Reed presented the staff report.

**PUBLIC HEARING**

FOR:

Gil Davis, P. O. Box 786, Clemmons, NC 27012

- I represent the potential buyers.
- In this area are several rather old businesses.
- The site being the only thing there is just not true. To the east is a Day Care Center. That's hardly a lot different than what our proposal is. That is an appropriate spot.
- There are perhaps 12-18 houses in the little enclave between Brewer and the shopping center behind the Nissan facility. About half those houses are for sale by speculators. This enclave is in transition.
- You just approved a package with a far greater impact on traffic further down on Peters Creek Parkway.
- This site has access to public transportation.
- The major use planned for this site is the Cosmetology Institute (school).
- The rest of the uses were chosen because they were unobtrusive, and low traffic producers.
Steve Calaway, 1330 Ashley Square, Winston-Salem, NC  27103
• Displayed photograph of area.
• This area is surrounded by business areas.
• Nothing residential is going to happen here.
• This is a good site plan for good people in a good location for a school.

Tom Keith, 3450 Fraternity Church Road, Winston-Salem, NC  27107
• We purchased this property in two pieces.
• It had a nice house on it. When a problem developed with the furnace, the tenants moved out. Squatters moved in and it was a long time before we could get rid of them. When we did, the house was torn down immediately.
• We do not want to put apartments here and feel this is a reasonable alternative to a big box store.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Jimmy Norwood: Was landscaping for the streets addressed? David Reed: There is a revised site plan which does not address additional landscaping, but rather pulls the parking back level with the building and indicates curb and gutter and a sidewalk along Orchard View Drive through their frontage.

2. In response to a question, John Beeson, 503 High Street, Winston-Salem, NC 27101, explained the location choice for the dumpsters and discussed possible options for dumpsters and parking. He indicated that the building will be residential in character with a pitched roof.

3. Lavastian Glenn: I'm concerned that if this is rezoned, it will put the rest of the residential area under pressure to strip out and be converted to HB.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the following additional conditions: The building will have a masonry combination and will be residential in character and scale with a pitched roof to be in keeping with residential style. The dumpster will be relocated to the top of the "T".
SECOND: Jimmy Norwood
VOTE:
   FOR: King, Mullican, Norwood
   AGAINST: Clark, Folan, Glenn
   EXCUSED: None
Written Comments by Planning Board members:

Dara Folan: I voted no because I believe this would lead to commercial strip development. A MAC will be developed southwest of the subject site. Commercial business should be pushed towards the MAC. A better transitional use should be considered for this site.

Lavastian Glenn: I agree with staff that rezoning this site would encourage strip commercial development and threaten existing residential property in the area.

Paul Mullican: I voted for this case! 1) Feel this is not a place for apartments. 2) We had no opposition. In fact, two properties (on rear of property) were here in support for petitioner. 3) What is being proposed is a great plan and a benefit to area and neighborhood. 4) HB is in this whole area!

Jimmy Norwood: The proposed use would be less intrusive to the neighborhood due to the hours of operations. If apartments are placed here I feel that the quality of the apartment's construction may be less than desirable. Uses proposed would provide services that could serve the pedestrians from the neighborhood. I strongly recommend the approval of the requested uses with conditions.

A. Paul Norby, AICP
Director of Planning
NOT AN ACTUAL SURVEY

NOTES:
THIS MAP IS A COMPLICATION OF INFORMATION FROM DEEDS,
COUNTY TAX INFORMATION, AND
TOPOGRAPHIC INFORMATION PURSUED BY THE CITY-COUNTY PLANNING DEPARTMENT.

PRELIMINARY SITE PLAN
CLEMMONSVILLE ROAD

Owner:
Developer:
W.2759
P.O. Box 333
Tahlequah, OK 74464

Parkway Baptist Church
Tax Block 3664, Lots 21A, 22A, 23A & 24C
117 Clemmonsville Road
Zoned: RS-9

San Ana Retailer, Inc. Office
Professional Office, Servicem.
Basham & Basham, P. Eng.

NOT AN ACTUAL SURVEY

Rev: 4-30-2005 Move solid waste disposal.

Reeson Engineering Inc.
Engineers
Mansfield, NC 28654

1 of 1